



Docket No.: 912.39939X00

10/16/02
#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Robert Mann BRADBURY, et al.
Application No.: 09/825,944
Filing Date: April 5, 2001
Title: CONTAINER UNLOADING APPARATUS
Art Unit: 3652

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REQUEST FOR CLARIFICATION/COMPLETE OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

October 15, 2002

Sir:

Applicants gratefully acknowledge the Restriction Requirement dated September 12, 2002 requiring restriction between Group I consisting of Claims 1-18 and 28-29 and Group II consisting of Claims 19-27. There is no indication (in the Office Action Summary or elsewhere) that the Restriction Requirement considered the Preliminary Amendment filed on April 5, 2001. Applicants request that the Restriction Requirement be clarified, corrected or supplemented to include and indicate consideration of the Preliminary Amendment.

Relevant to this Request, the Preliminary Amendment amended claim 28 to recite the limitations that "the conveying means is driven at a first relatively high speed during a first phase during which a first, major part of the contents of the container is unloaded and at a second, lower speed during a second phase during which the remainder of the contents of the container is unloaded." These limitations

recited in amended claim 28 are exactly the same as the limitations recited in independent claim 19. Applicants thus respectfully submit that amended claim 28 is at least a linking claim to the claims in Group II, if not a claim properly included in Group II.

The restriction requirement includes claim 28 with claims 1-18 in Group I even though it contains the same limitations as claim 19 in Group II. No mention is made of why claim 28 is included in Group I. Indeed, no mention is made of the Preliminary Amendment. It appears as though the changes to claim 28 in the Preliminary Amendment were merely overlooked. In any event, applicants respectfully request that the restriction requirement be clarified, corrected or supplemented to clearly indicate the disposition of claim 28, as amended in the Preliminary Amendment.

In accordance with MPEP 710.06, applicants request that the clarified, corrected or supplemented restriction requirement set a new time period for filing a response. Please charge any shortage in fees, including extension of time fees, to Deposit Account No. 01-2135 (912.39939X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Robert Bauer", written in a cursive style.

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